



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,613	05/14/2001	Peter G. Capek	YOR9-2001-0153US1 (728-20)	4824
28249	7590	03/08/2006	EXAMINER FISCHEITTI, JOSEPH A	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			ART UNIT 3627	
			PAPER NUMBER	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,613

Applicant(s)

CAPEK ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 26-39, 53-55 and 57-62, 40, 41--52, 56 is/are pending in the application.
- 4a) Of the above claim(s) 40, 41--52, 56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-39, 53-55 and 57-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The other tactile reading method is confusing because it is better said that other tactile reading *indicia* covers Braille labels.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-39, 53-55, 57-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Expedia.com in view of DeLorme et al. and Song.

First. Official notice is taken regarding the old and notorious practice of determining by the user the personal use items needed at the one or more destinations and to be packed in a suitcase (basic human packing technique). Expedia.com discloses providing one or more items (items are read as a bed to rest on, a bath to wash in etc,) for expected use by a user to one or more destinations (a) to which the user intends to

Art Unit: 3627

travel the items being provided by a plurality of Suppliers (Hyatt, Sheraton Westin Hotels) able to deliver the items to the destination within a time frame set by the user (b). Expedia.com discloses describing in at least one database accessible via a network (www.expedia.com) each of the plurality of destinations (a) to which the user can travel, each of the plurality of participating suppliers at each of said destinations (c), and personal use items offered by said suppliers at each of said destinations (rooms are items offered by suppliers Westin, Hyatt etc. and see, col. 70 lines 28,29 "special goods" are read as "personal use items"), selecting a destination, items, and a user's time frame (a,b,c): However, the Expedia .com web site does not disclose generating a result list . However official notice is taken with respect to the old and notorious use of consolidating results into a single document. Notwithstanding, DeLorme et al. disclose generating at least one list (col.70 lines 58-63) of said selected items picked from the plurality of items according to user's preferences said user's time frame, availability of said items, and ability of a supplier to deliver said items to said destination within said user's time frame. The step of eliminating the personal use items contained on the at least one list from those items to be packed in the suitcase is met with official notice of the old and notorious practice of not packing what you already have. The recitation of "said suppliers providing said items to the destination within said user's time frame" is not given any patentable weight because it is contingent upon a contractual obligation and not on methodology. Notwithstanding, Delorme does teach supplying same in col. 44. It would be obvious to modify the Expedia.com page to use a list as taught by Delorme et al and the use of the page to have advanced ordered at the destination

personal use items, the motivation being to have a consolidated list of all items at one glance. Whether services or items are being accounted for is not deemed material given that a methodology is being claimed here.

DeLorme et al. fails to teach special labeling instructions provided in Braille or other tactile reading method. But Song discloses personal use item labeled with tactile indicia which is "customized for each patient according to the patient's tactile skills. Thus, it would be obvious to modify DeLorme et al to include the tactile indicia labeling feature of Song the motivation being the safety of taking the correct medicines by someone with a visual impairment when one is away from their home where the usual care giver is present.

RE claim 27. DeLorme et al disclosed a database of points of interest which is personalized to the individual and thus is capable of including destination previously visited or inquired on.

RE claim 28: Official notice is taken regarding the a historical database.

RE claim 29/30. DeLorme et al disclose using a scuba outfitter and given that this is a custom planning system clothing size, a height, and a weight would be used, including colors.

RE claim 31: Official notice is taken on the practice of listing items.

RE claim 32/33. DeLorme et al. disclose an Accounting Data substructure which determines a fee for providing said items.

RE claim 34. Hotels are rented.

RE claim 35. When TRIPS is prompted it generates a list or profile (col. 70 lines 58-63 of DeLorme)

RE claims 36-39: see restaurant reservation feature allowing reservation to be made down to minute in advance.

Re claims 53-55, TRIPS is an on-line system.

RE claim 62, 61 the use of a change of plans made in advance is deemed an old expedient in the art.

Re claims 57-59: the labeling of Song is set forth above; and official notice is taken on the practice discounting to promote a sale and packing items

Claims 26-39, 53-55, 57-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. in view of Song.

Delorme et al disclose a method in a computerized system of providing one or more personal use items for expected use by a user to one or more destinations to which the user intends to travel, the personal use items being provided by a plurality of suppliers able to deliver the personal use' items to the destination within a time frame set by the user. First. Inherent to any packing practice is determining by the user the personal use items needed at the one or more destinations and to be packed in a suitcase (basic human packing technique); Delorme discloses describing in at least one data base (TRIPS) accessible via a network, each of the plurality of destinations to which the user can travel (col. 8 lines 37-48), each of the plurality of participating suppliers at each of said destinations (col. traveler shops for reservation among scuba providers), and

Art Unit: 3627

personal use items offered by said suppliers at each of said destinations (see, col. 70 lines 28,29 special goods are read as "personal use items", e.g. scuba tank, regulator etc.); selecting a destination, personal use items, and a user's time frame (Temporal subsystem 860 allows selection of destination, "special goods e.g. personal items and time frame); generating at least one list of said selected personal use items picked from the plurality of items according to user's preferences, said user's time frame, availability of said personal use items, and ability of a supplier to deliver said personal use items to said destination within said user's time frame (see col. 70, lines 58-63 for list, ability is read as positive if the provider e.g. of scuba gear see col. 44 is offering to lease gear for hire); eliminating the personal use items contained on the at least one list from those items to be packed in the suitcase (read as inherent to any packing step); and said suppliers providing said personal use items to the destination within said user's time frame (scuba shop provides personal items tank regulator to person at time of arrival col. 44) .

However, DeLorme et al. fails to teach special labeling instructions provided in Braille or other tactile reading method. But Song discloses personal use item labeled with tactile indicia which is "customized for each patient according to the patient's tactile skills. Thus, it would be obvious to modify DeLorme et al to include the tactile indicia labeling feature of Song the motivation being the safety of taking the correct medicines by someone with a visual impairment when one is away from their home where the usual care giver is present.

RE claim 27. DeLorme et al disclosed a database of points of interest which is personalized to the individual and thus is capable of including destination previously visited or inquired on.

RE claim 28: Official notice is taken regarding the a historical database.

RE claim 29/30. DeLorme et al disclose using a scuba outfitter and given that this is a custom planning system clothing size, a height, and a weight would be used, including colors.

RE claim 31: Official notice is taken on the practice of listing items.

RE claim 32/33. DeLorme et al. disclose an Accounting Data substructure which determines a fee for providing said items.

RE claim 34. Hotels are rented.

RE claim 35. When TRIPS is prompted it generates a list or profile (col. 70 lines 58-63 of DeLorme).

RE claims 36-39: see restaurant reservation feature allowing reservation to be made down to minute in advance.

Re claims 53-55, TRIPS is an on-line system.

RE claim 62, 61 the use of a change of plans made in advance is deemed an old expedient in the art.

Re clams 57-59: the labeling of Song is set forth above; and official notice is taken on the practice discounting to promote a sale and packing items

Applicant's arguments filed 12/12/05 have been fully considered but they are not persuasive. Applicant's new claim language fails to recite anything more than what a

person would otherwise do by human intervention, namely speaking a description and labeling in Braille if the person is sight impaired. However, the invention seems to be centered about the plural servers, each server dedicated to a different function as discussed at the bottom of page 14 cooperating together to perform the invention with the result being Braille labeled items awaiting someone at their destination. But, Song discloses personal use item labeled with tactile indicia which is "customized for each patient according to the patient's tactile skills". Thus, it would be obvious to modify DeLorme et al to include the tactile indicia labeling feature of Song the motivation being the safety of taking the correct medicines by someone with a visual impairment when one is away from their home where the usual care giver is present, especially given that the labels can be customized suggesting that they are made in advance of receiving the medication.

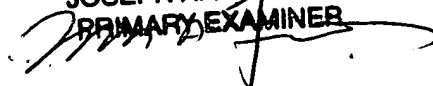
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3627

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.

JOSEPH A. FISCHETTI
PRIMARY EXAMINER

Joseph A. Fischetti
Primary Examiner
Art Unit 3627